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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

Case No. CR98-83 JCC

10 v.)

11 ANTHONY V. MOSLEY,)

12 Defendant.)

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

13 INTRODUCTION

14 I conducted an evidentiary hearing on alleged violations of supervised release in this case on
15 March 3, 2010. The defendant appeared pursuant to a summons issued in this case. The United
16 States was represented by Jeff Bachus, and defendant was represented by Kyanna Stephens.
17 Also present was U.S. Probation Officer Donald Moon. The proceedings were digitally
18 recorded.

19 SENTENCE AND PRIOR ACTION

20 Defendant was sentenced on May 15, 1998 by the Honorable John C. Coughenour for
21 Conspiracy and Bank Fraud. He received 151 months of detention and 3 years of supervised
22 release. Defendant was released from prison about February 23, 2009 to a half-way house. He
23 began his term of supervision on June 29, 2009 when he was released from the half-way house.

1 PRESENTLY ALLEGED VIOLATIONS

2 In a petition dated January 26, 2010, U.S. Probation Officer Donald Moon alleged that
3 defendant violated the following conditions of supervised release:

4 1. Failing to work regularly at a lawful occupation since June 29, 2009, in violation of
5 standard condition 5.

6 2. Failing to pay monthly toward restitution as directed since October 2009, in
7 violation of a general condition.

8 FINDINGS FOLLOWING EVIDENTIARY HEARING

9 After conducting an evidentiary hearing, in which both parties called witnesses and
10 submitted exhibits, I have concluded the United States did not establish that defendant has not
11 worked regularly at a lawful occupation since June 29, 2009. I have also concluded the United
12 States established that defendant has failed to pay monthly toward restitution as directed since
13 October 2009. Defendant has been informed that a disposition hearing has been scheduled for
14 March 11, 2010 at 9:00 a.m. before the Honorable District Judge John C. Coughenour, United
15 States District Judge. Defendant remains in the community.

16 RECOMMENDED FINDINGS AND CONCLUSIONS

17 Based upon the foregoing, I recommend the Court find the United States has failed to prove
18 alleged violation (1) but has proven violation (2). I further recommend the Court conduct a
19 disposition hearing.

20 DATED this 3rd day of March, 2010.

21 

22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge